

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES, *et al.*,

Plaintiffs,

- against -

GOOGLE LLC,

Defendant.

No. 1:23-cv-00108-LMB-JFA

**DECLARATION OF JASON WASHING IN SUPPORT OF
DEFENDANT GOOGLE LLC'S RESPONSE TO PLAINTIFFS' MOTION TO SEAL**

I, JASON WASHING, declare as follows:

1. I am Managing Director, News Partnerships at Google LLC ("Google"). I have been employed by Google since March 2008 and have held my current position since March 2022. I submit this Declaration in support of Google's Response to Plaintiffs' Motion to Seal. Based on my work at Google, I have personal knowledge of the company's practices and procedures for maintaining the confidentiality of its strategic, business, and financial information, as well as the impact of publicly disclosing such information. The contents of this Declaration are true and correct to the best of my knowledge, information, and belief, and are based on Google's policies and practices as they relate to the treatment of confidential information, the materials that were provided to me and reviewed by me, and/or informed by conversations with other knowledgeable employees of Google. If called upon as a witness in this action, I could and would testify competently thereto.

2. Google follows a strict practice that requires confidential treatment of all internal non-public financial information; confidential commercial proposals to third parties and

confidential agreements with third parties; and internal business analyses of pricing, industry conditions, and opportunities. In my experience and to the best of my knowledge, Google does not disclose documents of this nature outside of the company, with the exception of certain documents that Google shares with partners or fiduciaries, subject to further confidentiality requirements.

3. I have reviewed Plaintiffs' Sealed Reply in Support of Plaintiffs' Motion for *In Camera* Inspection and To Compel Production of Documents Wrongfully Withheld as Privileged (Dkt. No. 261) and the sealed exhibits thereto (Dkt. No. 260).

4. Exhibits 3 and 4, stamped Highly Confidential, are two versions of the same internal Google document that summarizes a confidential commercial proposal that Google intended to make to a third party. The proposal includes input from close to a dozen distinct commercial divisions across a broad range of Google's product areas and business units, providing visibility into Google's strategic decision- and deal-making logic. The proposal also reveals competitive strategy, including business and pricing strategy, as well as confidential and bespoke contract terms. In sum, the document contains competitively sensitive and confidential business information.

5. Public disclosure of the information contained in Exhibits 3 and 4, and the redacted portions of the Reply corresponding to those exhibits, would cause significant commercial harm to Google. Disclosure of information about the confidential commercial proposal—including its bespoke, non-public terms—would give competitors and potential business partners a material advantage in future negotiations with Google.

6. I believe that the requested relief is narrowly tailored and seeks to seal only information that would harm Google if publicly disclosed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 14, 2023, in Tiburon, CA.

DocuSigned by:
Jason Washing
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Jason Washing